Remarks

Claims 22-45, 47-56 and 58-63 are pending in the captioned application. The Office Action objected to each of the claims allegedly "because it's not clear why each claim of the patent/application do correspond to the count."

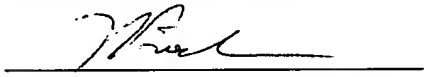
In general, a "count" means the Board's description of interfering subject matter. 37 C.F.R. §41.201. Also in general, a claim corresponds to a count if it does not define an invention that is patentably distinct from the invention defined by the count. *See e.g. Orikasa v. Oonishi*, 10 U.S.P.Q.2d 1996, 2004 (Comm'r Pat. 1989).

In the latest Request for an Interference in connection with the captioned application on 20 April 2004, applicants indicated why each of the claims in the captioned application and in the two patents (6,239,744 and 6,677,896) corresponded with the count proposed at that time. In general, the reason was that none was patentably distinct from the proposed count. Indeed, most of the claims were verbatim part of the proposed count.

With respect to the pending objection to the claims, correspondence with a count or with a proposed count should not play any part in determining allowability of claims. The claims have previously been identified as allowable. If there is interfering subject matter, then an interference should be declared. If there is no interfering subject matter, then the application should be allowed. The applicants request reconsideration, and either declaration of an interference or a Notice of Allowance.

Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the captioned application, the applicants request the Examiner to call the undersigned at the below-listed telephone number.

Respectfully submitted,



L. Friedman, Reg. No. 37,135

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